

Case 2:06-mc-00013-JPJ Document 4 Filed 12/20/06 Page 1 of 2 Pageid#: 8

approximately \$60,000.00[;] Car approximately \$3,000.00[; and] Van approximately \$800.00.” (Application ¶ 5.) She also states that she has no dependents.

While a litigant need not be destitute in order to be entitled to proceed under § 1915 without prepayment of fees, *see Potnick v. Eastern State Hosp.*, 701 F.2d 243, 244 (2d Cir. 1983), the value of the property listed, with no indication of any unusual expenses or other extreme circumstances, is an insufficient basis to grant such an application. It is correct, as the plaintiff asserts, that the application form supplied by the court does not require the applicant to state the amount of equity owned in property. Absent any such indication, however, the court must assume that the plaintiff has sufficient clear ownership in a \$60,000 home to be able to afford the cost of filing this action.

For the foregoing reasons, it is **ORDERED** that the objections are overruled and the application is denied without prejudice to the submission within 30 days of additional information in support of the application.

ENTER: December 20, 2006

/s/ JAMES P. JONES
Chief United States District Judge